

CC: G. Chryss
G. Napack
R. Jacobs/H. Pazinski
J. Wagenbach (Riker, Danzig)

September 9, 1987

B-3

NOTES ON THE MEETING WITH THE N.J.D.E.P. ON 2 SEPTEMBER 1987

In attendance:

For Dan Raviv Assoc.: Frank Getchell (F.G.) - Sr. Hydrogeologist

For Hatco Corporation: George O. Napack (G.O.N.) - Consultant
R. Jacobs (R.J.) - Manager, Environment
& Safety

For N.J.D.E.P.: Steve Anderson (S.A.) - Geologist (Div.
of Water Resources, Bureau of Ground Water
Discharge Permits)

Karen Swanson (K.S.) - Same as above.

Commentary:

PART I - RAVIV REPORT REVIEW

Reference: Raviv Report Task 1 (Monitoring Well Installation)

1. Monitoring Wells - G.O.N. stated that the location and number of the downgradient wells are site limited. Two wells will be installed as long as the well driller has enough room to drill without endangering the sewer lines and remain on Hatco property.
2. G.O.N. indicated that Hatco is concerned about the close proximity of these downgradient wells to the Nuodex site across Industrial Avenue which may be causing groundwater contamination at Hatco's site. Benzene was found in Hatco's closest well, and this material was never used on Hatco's site. Toluene was used many years ago, but not benzene. Nuodex's ECRA documentation shows large amounts of benzene stored at its site as well as high concentrations in its groundwater. There may exist some sort of tidal action causing backflow and affecting Hatco's wells. This may also show as a problem in the new monitoring wells being proposed. F.G. said that it might be advisable to put a recorder on the well and monitor the well water level (tidal action) for a few months.
3. F.G. noted that monitoring Well MW8S on the permit is the same as MW7S in Raviv report.

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Reference: Raviv Report Task 2 - (Soil borings - former ponds)

4. S.A. asked why only one boring over each pond? F.G. replied that the soil borings will be used to assess the conditions of the soil at or near the center of the former ponds. Depending on results, further assessment may be necessary.
5. S.A. asked if Hatco had any data regarding closure of the ponds, particularly correspondence with DEP. G.O.N. replied that we have reviewed our files and have found data relative to the project with monthly status reports to DEP, Health Dept., etc. describing what was done. Concerning what was contained in the ponds, we have no information regarding quantity, analyses, etc. The materials that were in use in the plant then are similar to those used now.

Reference: Raviv Report Task 3 - (Soil boring - existing lagoons)

6. S.A. pointed out, and F.G. agreed that there is a line in the task description that is confusing and should be deleted. The line "The borings (B1, 2, 3, 4, 5, 6) will be completed after the NJDEP approved closure of these lagoons." will be deleted.

G.O.N. remarked that Hatco has some concerns about soil borings in the existing lagoons. Puncture of the clay liner could cause future leakage and thereby contaminate the soil beneath the lagoon. S.A. suggested removal of any sludge before boring. F.G. indicated the method used would assure that no "leakage" could occur and that borings would be sealed properly.

7. S.A. inquired as to the construction of the lagoon embankment. G.O.N. explained that the retaining wall was constructed by the county from steel channel pilings and concrete inserts. The wall is of a substantial nature and is of a design widely used in such applications.
8. G.O.N. stated that it is not Hatco's intention to constantly use these lagoons. If they are used at all it would be for the purpose of temporary effluent retention during periods of heavy rains. That retention is only of the small quantity of water the MCUA line cannot handle because of high flows.
9. S.A. then wanted to know of our intent, regarding the future use of these lagoons. He asked if it was Hatco's intent to replace the lagoons. G.O.N. indicated that Hatco is exploring various alternatives including replacement of the lagoons with an API separator system, as well as a system for emergency hold up. We may elect to cap the existing lagoons and not remove them. The lagoons will continue in use until an alternate system is in place. The results of sludge samples and borings will be necessary to determine cost factors and closure alternatives.

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Reference: Raviv Report Task 4A - (Surface Water Samples)

10. G.O.N. stated that Hatco plans to sample Slingtail Brook and the small Crows Mill Creek tributary where they enter and leave our property. We do not feel it is our responsibility to sample surface streams beyond our property line as requested by DEP

S.A. said DEP has reviewed reports of conditions in the area, especially at the outflow of the Industrial Avenue underpass and is concerned about its contents.

G.O.N. replied that in cooperation with the DEP, Hatco has previously sampled that outflow as well as the inflow from our property. The DEP has those results which proved that the flow leaving Hatco's property was clean.

Reference: Raviv Report Task 4B - (Sediment samples at "Waterway" and sump)

11. S.A. asked what were Hatco's long-range plans for the waterway and sump.

G.O.N. replied that Hatco is investigating various alternatives including the possibility of moving the sump upstream to catch any contaminated surface water and removing any contaminated soil in the existing waterway, which will then become a path for clean surface storm drainage.

Reference: Raviv Report - General Commentary

12. S.A. stated that the location of the wells is OK. DEP would like to get two wells down gradient of lagoons if possible. The permit is geared to determine the extent of any groundwater contamination. He will provide a written reply to the Raviv report stating all approved points and commentary on recommended revisions. He must determine whether the tasks as proposed meet the conditions of the permit.

13. S.A. stated that a groundwater remediation plan is necessary. F.G. replied that a groundwater remediation plan is not possible until we determine if there is a problem, and if so, its extent.

K.S. remarked that she recommended waiting until the results of testing are in and evaluated.

PART II - ADJUDICATORY HEARING REQUESTS REVIEW

Reference: Adjudicatory Hearing Request Section G, Page 4 -
(Replace lagoons)

1. G.O.N. stated that Hatco questions the requirement to install new surface impoundments. As mentioned, alternatives are being explored including an API oil/water separator and a new emergency retention system to replace the need for lagoons.

Reference: Adjudicatory Hearing Request Section H, Page 4 -
(Old pond borings)

2. G.O.N. pointed out that Hatco never had a pond in the southeast section of the property, and therefore, the requirement for a boring at that location is meaningless.

3. S.A. asked if Hatco has any old aerial photographs of the site.

G.O.N. indicated that there is one of which DEP has a copy. F.G. noted that it is what is being used to locate the position of the closed ponds.

S.A. indicated that there is a firm in Texas that has aerial photographs of many areas. Maybe they could help Hatco find other photos.

Reference: Adjudicatory Hearing Request Section L, Page 5 -
(Sampling of plant effluents)

4. G.O.N. pointed out that there is no good place to isolate and sample specific effluents from the plant operations. In addition, all production is batch, and an instantaneous sample of the effluent is not representative of the operation. He asked what it was that DEP was trying to determine.

S.A. replied that they are trying to determine what contaminants were in the effluents and their source.

G.O.N. replied that it would be impossible to get a meaningful average sample within Hatco. The MCUA samples Hatco's total effluent continuously. These samples could be composited and analyzed for some time period.

S.A. stated that this would not be acceptable. DEP is trying to determine what is left behind in the lagoons. He asked if Hatco could supply them with a description of the processes, or a sewer piping diagram. Can Hatco supply DEP with a description of the batch sequencing, noting what is regular, what is irregular and magnitudes of batches?

G.O.N. replied that Hatco could provide a list of the raw materials used, products made, including some idea of annual quantities.

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Reference: Adjudicatory Hearing Request Section P, Page 6 -
(Discharge limits to lagoons)

5. G.O.N. stated that the discharge limits in the permit are unreasonable for our effluent to the MCUA (and occasionally entering the lagoons). Once the lagoons are replaced and/or closed, this becomes a moot point.

S.A. agreed and stated that DEP would supply a compliance schedule for the new construction, interim discharge limits and a final target discharge limit if applicable. The limits stated in the present permit would not apply during the compliance schedule period.

Reference: Adjudicatory Hearing Request Section R, Page 7 -
(Discharge limits to groundwater)

6. F.G. pointed out that the background limits in the permit are unreasonable. That is the purpose of the wells. MW3S and MW3D (upstream of the plant) should be established as background wells.

Reference: NJPDES Permit Part III - DGW Page 1 of 2 - (Monitoring well sampling schedule)

7. G.O.N. requested a limited monitoring well sampling schedule. Testing costs are estimated to be around \$20,000 per sample round.

K.S. replied that the sampling schedule as such is necessary to establish basepoint levels. The department does accept petitions for reduction in sampling after the basepoint levels are established. Petitions would be considered after one year of sampling.

PART III - SPECIAL CONDITIONS REVIEW

Reference: NJPDES Permit Part IV - DGW Page 3 of 6 Special Condition 12 - (Licensing of operators of wastewater systems)

1. G.O.N asked the meaning of special condition 12.

S.A. replied that their interest was whether Hatco complied with the requirements of the law, not necessarily whether Hatco had an operator. That is controlled by the Industrial Water Department. Hatco can get information regarding the licensing from Melissa Willen (?) at 609-292-0407.

Reference: NJPDES Permit Part IV - DGW Page 4 of 6 Special
Condition 15 - (Sampling, notification, etc. of flow into lagoons)

3. G.O.N. pointed out that the sampling, notification of use and measurement of flows into the lagoons is impractical. Periods of use are quite limited, infrequent and of a short duration. It's use is only to handle MCUA line back-ups during extremely heavy rainfalls. S.A. suggested that some way be devised to at least determine how often flow enters the lagoon. G.O.N. agreed to look into this possibility.

PART IV - MEETING SUMMARY

1. S.A. stated that DEP would be sending Hatco a letter (which is already written) in response to the submission of request for an adjudicatory hearing. Then a follow-up to this meeting will be sent. After reaching agreement on the various points, DEP will probably send Hatco an administrative consent order and permit modifications allowing Hatco to respond as discussed. This would be contingent upon Hatco rescinding the hearing request. He suggested we could proceed with the well installations.
2. G.O.N. replied that Hatco will do nothing regarding well installations until approval in writing from the DEP is received.

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SUBJECT <u>Hoto Chemical</u>		DATE <u>9/2/87</u>
MEETING LOCATION <u>401 E. State Street</u>		
CROPL(S) ATTENDING		DEF DIVISION OR UNIT

PLEASE PRINT ALL INFORMATION CLEARLY

[illegible]

GROUND WATER MONITORING REQUIREMENTS AND LIMITATIONS

The permittee shall install five additional ground water monitoring wells and sample a total of twelve monitoring wells according to the schedule below. The five additional monitoring wells shall be designated as MW5S, MW6S, MW7S, MW8S, and MW9S. These wells shall be installed at the locations specified on the attached well location map. All ground water elevations must be determined prior to pumping and sampling the wells.

Sampling of the wells shall be performed according to the methodology specified in Section 6.12 of the NJPDES regulations and the Department's Field Procedures Manual for Water Data Acquisition. The permittee shall sample for all parameters listed below. Sampling shall be performed and reported during the months which are specified for that parameter.

PARAMETER	LIMITATION	SAMPLING MONTH	SAMPLE TYPE	REPORTING MONTH
Elevation of top of monitor well casing with cap removed (to be determined once but reported as indicated)		N/A	N/A	FebMayJulNov
Depth to Water Table from top of casing with cap removed prior to sampling		JanAprJulOct	N/A	FebMayJulNov
Depth to Water Table from original ground level prior to sampling		JanAprJulOct	N/A	FebMayJulNov
Acid Extractables	*1 ppb	Apr Oct	grab	May Nov
Base Neutrals	*1 ppb	Apr Oct	grab	May Nov
Chemical Oxygen Demand (COD)		JanAprJulOct	grab	FebMayAugNov
Pesticides and PCB's	*1 ppb	Apr Oct	grab	May Nov
Total Organic Carbon (TOC)		JanAprJulOct	grab	FebMayAugNov
Total Organic Halogen (TOX or TOH)		JanAprJulOct	grab	FebMayAugNov
Total Volatile Organics by GC/MS	*1 ppb	Apr Oct	grab	May Nov

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GROUND WATER MONITORING REQUIREMENTS AND LIMITATIONS - cont'd

NOTES:

- *1 GC/MS scan for organic compounds with a method limit of detection of 10 ppb or better for each substance. The concentration limit for specific organic chemicals shall be that specified in Appendix F of the NJPDES regulations for the 10-6 Cancer Risk, but in no case shall the total concentration for all organic chemicals identified in Appendix F exceed 10 ppb.

The permittee shall complete the forms required on the "Monitoring Report - Transmittal Sheet" (Form T-VWX-014) which is included as a part of this Permit. Failure to submit sampling data on the forms required on the "Monitoring Report - Transmittal Sheet" shall be considered by the Department to be a violation of the Permit sampling requirements and may place the Permittee subject to civil and administrative penalties pursuant to N.J.S.A. 58:10A-10.

It shall be solely the Permittee's responsibility to maintain an adequate supply of the required report forms.

Satisfactory ground water monitoring wells are defined in Section 6.13 of the NJPDES regulations and shall be subject to Departmental approval. If ground water monitoring wells do not meet these standards, they must be replaced with new wells meeting Departmental standards.

A Ground Water Monitoring Well Certification (Forms A and B) shall be completed for each existing and proposed monitoring well. Information for each well must be shown on a separate form. For an existing well, if the information required on the Ground Water Monitoring Well Certification (Forms A and B) cannot be determined or the ground water monitoring well is not adequately constructed to meet the requirements of this Permit, the Department reserves the right to require a replacement well. Criteria to be used by the Department in judging the adequacy of a well will be related to the ability of the well to provide a representative ground water sample at any time of the year specified by the Permit. Any replacement well must be installed within a 10 foot radius of the existing well. Inadequate or damaged existing wells must be properly sealed pursuant to N.J.A.C. 58:4A-4.1. Instructions regarding sealing may be obtained by contacting the Water Allocation Office at (609)984-6831.

SEE ATTACHED COMMENTS

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A. Hatco alleges that the proposed well locations ^{Part III-DGW} incorporated by reference by Page 1, Part III-DGW are inappropriate. Hatco intends to prove that it is impractical to install wells beyond its property line, and that the proposed well locations are inappropriate since some fall within the area of Hatco's sanitary sewer line, and some are too close to the property line with Nuodex to truly reflect Hatco's site conditions. Hatco incorporates Nuodex' ECRA Initial Notice and reports, and Nuodex' NJPDES permit, permit application and discharge monitoring reports by reference herein in support of the above factual allegation. Hatco also incorporates by reference the tax map of Woodbridge Township, Middlesex County as to property lines, and includes herein a survey map of the sanitary sewer line. Hatco estimates that these factual allegations will require one day of hearing.

B. Hatco alleges that the number of wells required at Page 1, Part III-DGW are excessive, as will be proven by expert testimony expected to take one-half day of hearing.

1. Hatco contests the number of wells and the well locations. As an alternative to this condition, Hatco suggests the following inclusion to Paragraph 8, Part IV-DGW:

Within 90 days of the EDP, the permittee shall submit for DEP approval a plan for location of at least two (2) new wells within Hatco's property, and a time schedule for installation of the wells.

Q. Hatco alleges that the discharge limitation of 10 ppb in Note 1, Part III-DGW is arbitrary, capricious and unreasonable.

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2. Hatco contests the effluent limitation contained in Note 1 and suggests the following alternative Note:

Note 1. The permittee shall sample the new and existing wells for a period of one year. Those results shall develop a background level and permit limitations will be developed thereafter, which shall be a minor modification to the permit. So long as removal and compliance activities are ongoing which disrupt the lagoons, the permittee shall perform monitoring but all effluent limitations shall be stayed.

R. Hatco alleges that the discharge limitations contained in Part III-DGW are unreasonable based upon background groundwater levels and contamination caused by neighboring property owners and hereby incorporates by reference that groundwater data previously submitted to DEP by Hatco and Nuodex.

Discharge Sample I01 and I02

Part III-DGW-I
Page 1 of 2
NJ0051551

Table 1: Discharge Limitations and Monitoring Requirements
The sample shall be taken on the influent to the lagoons or surface impoundments at a point downstream of or within the manhole where the storm water and plant effluent combine. Discharge sample I01 shall be designated as the input to the west lagoon and I02 shall be designated as the input to the east lagoon. All sampling shall be performed according to the methodology specified in the Department's Field Procedures Manual for Water Data Acquisition.

Parameter	Discharge Limit	Sampling Month #1	Sample Type	Reporting Month
Flow, MGD		N/A	Continuous	Monthly
pH, S.U.	6.0 - 9.0	Monthly	Grab	Monthly
Acid Extractables ug/l	*2	Monthly	Grab	Monthly
Base Neutrals ug/l	*2	Monthly	Grab	Monthly
Pesticides and PCB's	*2	Monthly	Grab	Monthly
Settleable Solids, mg/l		Monthly	Grab	Monthly
Suspended Solids, mg/l		Monthly	Grab	Monthly
Total Dissolved Solids, mg/l	1000 mg/l	Monthly	Grab	Monthly
VO's by GC/MS Scan, ug/l	*2	Monthly	Grab	Monthly

The permittee shall complete the forms required on the "Monitoring Report - Transmittal Sheet" (Form T-VWX-014) which is included as a part of this permit. Failure to submit sampling data on the forms required on the "Monitoring Report - Transmittal Sheet" shall be considered by the Department to be a violation of the permit sampling requirements and may subject the permittee to civil and administrative penalties pursuant to N.J.S.A. 58:10A-10.

It shall be solely the permittee's responsibility to maintain an adequate supply of the required report forms.

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NOTES

- *1 During months when no rainfall event requires use of the lagoons or surface impoundments the permittee shall submit an affidavit to the Department confirming that no flow was discharged to the surface impoundments during that month.
- *2 GC/MS scan for organic compounds with a method limit detection of 10 ppb or better for each substance. The discharge limit for the total of all EPA priority pollutants shall be 20 ppb.

SEE ATTACHED COMMENTS

O. Hatco alleges that it is unable to comply with Part III-DGW-I as it fails to set a requirement as to when a sample must be taken. Hatco requests clarification on this issue, and no time for hearing is required.

1. Hatco contests Note 1 of this Part as vague and suggests the following addition to Note 1:

Note 1. The permittee shall conduct sampling at the later of within six (6) hours of the end of a rainfall event or at the beginning of a normal workshift if the rainfall event does not end during a normal workshift.

P. Hatco alleges that the limit of 20 ppb for total priority pollutants contained in Note 2, Part III-DGW-I is unreasonable as Hatco is unable to meet such condition due to the nature of the discharge. The discharge subject to this limitation is from an emergency discharge only, which otherwise would be discharged to MCUA and subject to secondary treatment by MCUA and does not represent an actual discharge to groundwater. Hatco estimates that one-half day of hearing is required as to these factual allegations.

2. Hatco contests the effluent limitation contained in Note 2 and suggests the following alternative note:

Note 2. The discharge limit shall be those effluent limits contained in permittee's MCUA permit.

Special Conditions for Hatco Chemical Corporation

1. All ground water monitoring wells shall be installed by a licensed New Jersey well driller, pursuant to N.J.S.A. 58:4A-6. A valid New Jersey permit, issued pursuant to N.J.S.A. 58:4A-14, to drill a well must be obtained from the Water Allocation Office, (609) 292-0580 of the Division of Water Resources prior to installation of any ground water monitoring wells. The permittee shall provide the Land Application of Wastewater Section of the Bureau of Ground Water Quality Management minimum of two weeks notification prior to the installation of any ground water monitoring wells required within this permit.
2. All new wells shall be constructed according to the attached Department specifications. All new wells shall be logged using the U.S.D.A. Soil Textural Classification System. For sites where inadequate geological information is available to properly design the well specifications, a Department geologist will finalize the well specifications prior to drilling. Failure to obtain prior Departmental approval may result in disapproval of the wells as constructed and may require new wells to be installed.
3. A ground water monitoring well as required by this permit is a monitoring device under N.J.S.A. 58:10A-10 and as such the permittee is required to maintain the wells in proper working order at all times. The permittee is further required to take any and all reasonable steps necessary to limit public access by constructing fences, barricades, or any other structures or means necessary to restrict access to the ground water monitoring well(s). Said structures shall be maintained to restrict access.
4. The owner or operator shall inspect each ground water monitoring well on a weekly basis for structural integrity and/or damage. The permittee shall maintain a complete inspection record indicating dates of inspection, inspector's name, and conditions observed. These records shall be made available to the Department upon request. Failure to maintain or submit records upon request shall be a violation of the conditions of this permit.
5. If the monitoring wells are damaged or are otherwise rendered inadequate for their intended purpose, the Administrator, Water Quality Management Element, shall be notified within five days in writing indicating:
 - (a) Which wells were damaged or rendered inadequate for their intended use;
 - (b) The cause and extent of damage or the reason for the inadequacy;

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- (c) If the sampling schedule as required in this permit will be violated or if the results of the sampling may reasonably become misleading;
- (d) The date that the well will again be operational. Damaged wells must be replaced or repaired within thirty (30) days after the damage has occurred. The wells must be sampled within five (5) days after they have been installed. A replacement well must meet the construction requirements established by the Department. A valid New Jersey well permit is required prior to the installation of the replacement well;
- (e) The next date that the well will be sampled.

Failure to follow these procedures is a violation of this permit and may subject the permittee to the provisions of N.J.S.A. 58:10A-10.

- 6. The permittee must obtain and analyze samples from the ground water monitoring system as required by this permit pursuant to the NJDEP Field Procedures Manual for Water Data Acquisition and as delineated in N.J.A.C. 7:14A-6.12. A chain of custody record for each sample shall be maintained at the facility and may be requested and/or examined by the Department. The permittee or his/her agent shall evacuate the ground water monitoring well(s) according to the procedures identified in Section 6.12 of the NJPDES regulations no more than four (4) hours prior to sample collection.
- 7. All samples shall be analyzed by a New Jersey Certified Laboratory. Sampling results shall be reported on forms provided by the Division of Water Resources and attached as Part III of this permit. Information not reported on the above specified forms shall not be deemed to fulfill the reporting requirements of this permit. It shall be the permittee's responsibility to maintain an adequate supply of forms to report ground water monitoring data to the Department.
- 8. All permit required ground water monitoring wells, piezometers and/or lysimeters shall be installed within 60 days of the Effective Date of the permit.

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S. Hatco contests Paragraphs 8, 10, 12, 13, 17, 18, 19, 21, 22 and 23 of Part IV of the permit on the ground that the time period for compliance set forth in each of said paragraphs, particularly in relation to the totality of the performance required by the Permit, is unreasonable. Hatco shall offer testimony on the unreasonableness of requiring compliance with the aforesaid permit conditions within the time periods specified which testimony is estimated to take one-fourth day.

O. Hatco contests the time limitations of Paragraphs 8, 10, 12, 13, 17, 18, 19, 20, 21, 22 and 23 of Part IV of the permit. In lieu of compliance with those time provisions, Hatco suggests the following:

Within sixty (60) days of EDP, the permittee shall submit for DEP approval a compliance schedule for the orderly and prompt performance of the obligations of this permit. Upon DEP approval of such compliance schedule, it will become a part of the permit, and shall not constitute a major modification thereof.

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9. Within 30 days of the Effective Date of the permit, the permittee shall identify to the Department by written notification all ground water monitoring wells or piezometers installed on the permittee's property during the period in which the permittee owned or had control of the property. The locations of these ground water monitoring wells and/or piezometers shall be shown on a plot plan drawn to a scale suitable to the Department.
10. The permittee shall submit to the Department "Ground Water Monitoring Well Certifications - Forms A and B" for each ground water monitoring well which is required to be sampled in the permit. The Ground Water Monitoring Well Certifications shall be submitted to:

Steve Anderson.
NJDEP-Div. of Water Resources
Bur. of Ground Water Quality Management
CN-029
Trenton, NJ 08625

within 90 days of the Effective Date of the permit.

11. The permittee shall sample the ground water monitoring wells in the following order:

1. MW3D	6. MW1D	11. MW8S
2. MW3S	7. MW1S	12. MW9S
3. MW4S	8. MW5S	
4. MW2D	9. MW6S	
5. MW2S	10. MW7S	

12. Within 30 days of the Effective Date of the permit, the permittee shall submit proof to the Department that the permittee has satisfied the requirements of the "Licensing of Operators of Wastewater and Water Systems" (N.J.S.A. 58:11-64 et seq.) and other applicable laws and regulations.

C. Hatco objects to the inclusion of the term "and

other applicable laws and regulations" in Paragraph 12, Part IV-DGW of the permit as overly vague and/or overbroad. This is a legal issue requiring no time for hearing.

C. Part IV, Paragraph 12.

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As an alternative, Hatco suggests deletion of the language "and other applicable laws and regulations."

13. This permit requires Hatco to discontinue using the two lagoons and to remove all contaminated soil from the site. A closure plan shall be submitted for Department approval within 90 days of the Effective Date of the permit. The closure plan shall include at a minimum:

- a. removal and proper disposal of all sludge, clay liner material and liquid contained in the two lagoons. (see special condition #16 for sampling and classification requirements)
- b. soil borings and soil samples as specified in special condition number 14.
- c. removal of all contaminated soil.

D. Hatco alleges that the requirement to remove the existing clay layers from the lagoons in Paragraph 13.a., Part IV-DGW is arbitrary and unreasonable and not environmentally justified. Hatco alleges that removal of the liner without proof of contamination will lessen the protection of groundwater. Clay is a natural barrier. The factual allegations as to the condition of the liner require one-third day of hearing.

D. Part IV, Paragraph 13.a.

As an alternative, Hatco suggests deletion of the language "clay liner material."

d. a ground water remediation plan.

A ground water remediation plan shall include at a minimum a proposal to determine the full extent of on-site and off-site ground water contamination and a proposal for ground water decontamination through recovery and treatment of the affected ground water.

e. the closure plan must include provisions to comply with N.J.S.A. 7:27-5.2 (a) et. seq., Prohibition of Air Pollution, and all applicable Federal, State and local regulations, statutes and ordinances.

f. the closure plan shall include a proposed time table for implementation of the above activities.

E. Hatco alleges that the requirement to submit a groundwater remediation plan in Paragraph 13.d., Part IV-DGW is arbitrary and unreasonable as the groundwater data previously submitted to DEP, and incorporated herein by reference, does not demonstrate a magnitude of contamination requiring a remediation plan. Hatco estimates that the factual allegations will require one day of hearing.

E. Part IV, Paragraph 13.d.

Hatco recommends deletion of this item, or as a second alternative, a stay of this provision until all new monitoring wells called for in the permit are installed and monitored for one (1) year.

14. Six soil borings shall be performed in each lagoon and soil samples shall be taken at levels from 0 to 6 inches, 6 to 12 inches, and 18 to 24 inches below the bottom of the lagoons in each boring. Samples from each level shall be composited resulting in 3 samples for analysis from each lagoon. The analysis shall include all parameters in appendix B Tables II and III of the NJPDES regulations.

F. Hatco alleges that the number of soil borings required in Paragraph 14, Part IV-DGW is arbitrary and unreasonable on the grounds of excessiveness and on the basis that drilling through a clay liner will damage the integrity of that liner, and cause potential contamination of groundwater.

Hatco estimates that the time for hearings on the factual allegations herein is included within the estimate for item 0 above.

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F. Part IV, Paragraph 14.

Hatco suggests as an alternative that the "six" soil borings be revised to "one" soil boring.

15. In the interim period prior to construction of the new surface impoundments, this permit allows use of the two lagoons only during the emergency situations specified as: (1) during periods of intense rainfall, (2) during a disruption of the pipeline connection to the MCUA, and (3) as secondary containment in conjunction with the DPCC plan in the event of a major spill. The permittee shall contact the Department immediately after, if not prior to, discharging into the lagoons. Any discharges into the lagoons without notification of the Department shall be a violation of the permit. Any discharges other than that specified under emergency situations shall be a violation of the permit.
16. Prior to sampling and disposal of the sludge and liquid contents of the lagoons, the permittee shall contact the Bureau of Hazardous Waste Classification and Planning, (609) 292-8141, to determine procedures to be followed for sampling and classification of sludge prior to disposal.
17. Within 90 days of the Effective Date of the Permit, the permittee shall submit designs for two new surface impoundments. Surface impoundments shall incorporate a double synthetic liner and leak detection system. The design shall include at a minimum:
 - a. Cross sections showing the bottom liner and the elevation of the seasonally high water table.
 - b. Plans showing a method of collecting liquid in the leak detection system. Liquid shall be collected within the

G. Hatco alleges that the requirement to install new surface impoundments, set forth in Paragraph 17, Part IV-DGW is arbitrary and unreasonable. Hatco will prove that other water retention systems may be installed of equal or greater utility. Hatco estimates that the factual allegation will require one-half day of hearing.

G. Part IV, Paragraph 17.

Hatco suggests as an alternative to this section the following:

17. Within 180 days of the EDP, the permittee shall submit designs for alternate water diversion facilities, which may include new surface impoundments. Such design plans shall comply with N.J.A.C. 7:26-1 or see

- detection zone (i. e. between the liners) using leachate collection sumps. There shall be no pipes or other contrivances passing through any of the liners.
- c. Cross sections of the double liner system, and all associated engineering details, shall show the slope of the leak detection pipes and the slope of the secondary liner. This slope must create gravity flow to a collection point between the liners.
 - d. Operation and maintenance manuals shall be submitted to the Department for approval which include time schedules for removing sediments from the impoundments, maintenance operations, and inspection schedules.
 - e. Dike stability testing of the soils used to construct the impoundments by Department approved methodologies.
 - f. A plan detailing Department approved remedial measures to be taken if leaks and ground water contamination are detected.
 - g. Specifications from liner manufacturer(s) certifying the UV sensitivity and compatibility of the liners with the intended contents.

The design shall be signed and sealed by a licensed New Jersey Professional Engineer and shall certify the capability of the two surface impoundments for their intended use.

18. Within 60 days of the Effective Date of the permit, the permittee shall submit a soil boring plan for Department approval which will determine the extent of soil contamination due to the closed industrial waste water treatment system located on the west side of the property and the abandoned lagoon located on the southeast side of the property. If it is determined that significant contamination exists, the Department will require the implementation of a Department-approved remedial action plan to remove all

H. Hatco alleges that there are no abandoned lagoons on the southeast side of the property, and that Paragraph 18, Part IV-DGW is unnecessary and inappropriate. No factual allegation needs hearing, except that Hatco reserves the right to rebut DEP's factual allegations.

H 505749

H. Part IV, Paragraph 18.

Hatco suggests deletion of this paragraph.

19. Within 90 days of the Effective Date of the permit, the permittee shall submit sediment analyses of the waterway and sump used to contain contaminated storm water. Sample locations shall be subject to approval by the Department. If significant contamination is found, the permittee shall be required to remove all contaminated soil and install additional monitor wells. The analysis shall include all parameters in appendix B Tables II and III of the NJPDES regulations.

I. Hatco cannot comply with Paragraph 19, Part IV-DGW since Hatco cannot determine the location proposed for sampling. Hatco requests clarification of this provision. No hearing is required thereon.

I. Part IV, Paragraph 19.

Hatco suggests that this provision be modified to more specifically identify the locations to be sampled.

20. The permittee shall install an impermeable liner in the waterway used to direct storm water to the storm water sump.

J. Hatco alleges that the requirement of Paragraph 20, Part IV-DGW that Hatco install an impermeable liner in the waterway used to direct stormwater to the stormwater sump is arbitrary and unreasonable. Installation of a new impermeable liner before removal of contaminated soil, if any, and mandating installation of same without prior consideration of alternative water transport systems is inappropriate. Hatco estimates that the time for hearing on this allegation will be approximately one-quarter day.

J. Part IV, Paragraph 20.

Hatco suggests as an alternative to this section the following:

H 505750

Within 180 days of the EDP, the permittee shall submit designs for alternate water transport facilities or demonstrate that the existing waterway is not a source of discharge to groundwater.

The liner shall be installed within 180 days of the effective date of the permit.

21. Within 90 days of the Effective Date of the permit, the permittee shall submit to the Department an analysis of surface water taken from the stream on the west side of the property. The sample shall be taken on the opposite side of the Woodbridge-Edison Connector Highway. The analysis shall include at a minimum all EPA priority pollutant organics.

K. Hatco alleges that the sampling of water taken on the west side of the property opposite the Woodbridge-Edison Connector Highway is unreasonable and arbitrary as it will not accurately reflect water conditions leaving the Hatco property without outside potential for contamination. This factual allegation will require an estimated one-third day of hearing.

K. Part IV, Paragraph 21.

Hatco suggests deletion of this Paragraph.

22. Within 90 days of the Effective Date of the permit, the permittee shall submit to the Department complete chemical analyses of all flows leaving the plant area. Analyses of separate flows shall include at a minimum:
- flow from the ester production area
 - flow from the amino acid production area
 - sanitary waste flow
 - boiler tower blowdown
 - storm drainage

a. The analyses shall include at a minimum:

- All parameters in appendix B Tables II and III of the NJPDES regulations
- Biochemical Oxygen Demand
- Chemical Oxygen Demand

The analyses shall be accompanied by detailed descriptions (including in-plant flow diagrams) on how "fugitive" quantities of products and raw materials enter the flow streams.

L. Hatco alleges that the requirements of Paragraph 22, Part IV-DGW are arbitrarily unreasonable, and unnecessary as the differing flows are impossible to isolate from one another, and they do not individually represent potential discharges to groundwater. Hatco estimates that this factual allegation will require one day of hearing, including a site visit.

L. Part IV, Paragraph 22.

Hatco suggests deletion of this Paragraph.

23. Within 90 days of the Effective Date of the permit, the permittee shall submit to the Department detailed information pertaining to the closure of all abandoned lagoons located on the property. Information submitted shall include at a minimum:

- origin of material contained in each lagoon
- volume of material contained in each lagoon
- chemical analyses of materials
- closure procedures including:
 - amounts of materials removed
 - capping or filling procedures

M. Hatco alleges that the requirements of Paragraph 23, Part IV-DGW are arbitrary and unreasonable. To demonstrate lack of knowledge as to the factual information requested would require approximately one-half day of hearing.

M. Part IV, Paragraph 23.

Hatco contests this requirement and suggests the following alternative provision:

23. Within 90 days of EDP, the permittee shall submit to the Department any information in its possession pertaining to the closure of any abandoned lagoons located at the property.

24. The permittee shall comply with all pretreatment requirements imposed by the Middlesex County Utilities Authority.

N. Hatco objects to the provisions of Paragraph 24, Part IV-DGW to the extent that it eliminates Hatco's rights to contest invalid MCUA regulations. This is a legal issue which requires no hearing.

N. Part IV, Paragraph 24.

Hatco suggests the following alternative provision:

The permittee shall comply with all lawful and uncontested pretreatment requirements imposed by the Middlesex County Utilities Authority.

H 505752

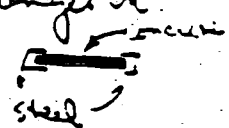
25. The Administrative Consent Order dated September 30, 1982 is hereby incorporated intact as part of this permit.

9-2-87

3. in Chief → Karen Swanson } NJ DEP.
Hearingst - Steve Anderson }
Frank Mitchell } DRA =
George N. Sprick } HATCO
R. J. Jones }

D Review of RAVI Report. "Ready to proceed with written approval re: d.
(concern -

A) Monitoring Wells -

- 1) Down gradient wells - site limited.
MW 13 same as MW 65 on permit application
MW 65 will be put in ~~in~~ of driller consent in!
- 2) Reinforced retaining wall described 

- 3) "Not our intention to use these lagoons."
"Only used during deluge and sewer line backs up."
- 4) MW 65 may be a problem.
- 5) "Put recorder on, and check levels over a few months." F.S.

B) Mudep across road.

"We will detect materials coming from this site."
"Benzene shows up in most wells."
"We never had it as a raw material."
"Had toluene, but not benzene."
"Huge amt of Benzene at Mudep"

H 505753

DEP → C) Trying to determine the ^{initial} condition of the former gas line
DEP D) What information is avail. on the closure of the ponds.
HATCO correspondence between HATCO & DEP / Monthly reports / Plan 4

②

Materials will then be same as now!

Task 3 Ditch line

Protect ~~to~~ of clay in your tests.

ODP "What is intent of lagoons?"

GOV intent is to close lagoons and replace.

w/ API & Septic Emergency backup.

- We may elect to cap the lagoons, not remove them.
- Lagoons will still be inside until we institute back up systems.
- Determine sludge depth and volume - need to establish closure cost.

— TASK 4A

SL originally requested across Highway.

We will sample ^{at} streams before & after our property has sample of "black junk" was tested, results on hand.

— TASK 4B

DDO - Long range plan for waterway & Sump.

H 505754

GOV - Move ~~the~~ sump "up stream" to eliminate double handling.

Remove Sump & clean it up.

NORTH

3

Asic 1, 2, 3, 4A & 4B as a first finding project, to
determine if there is a problem
"groundwater flows into the system,
suspect none - very little contamination in 1992-1993."

DEC 7 Wells - OK

" Permit issued to determine extent of contamination
" Anderson will have to provide written reply.
" Anderson must determine whether risks meet the permit."
SO2 " We will wait until we hear from you"

DEC Groundwater remediation plan necessary.

FSG Determine extent of problem

BA "That is my recommendation."

SO2 "No Remediation plan can be determined until we
find out what we have."

Dec. G. New Service - API -
P. 4. Emergency (held) -
Closure -

H 505755

See H
P. 4

SO2 S.E. Pond never existed.

— Aerial photos, available

Sec 1-30
Pg 5

- You sampling no good place to locate specific flow.
- Discharge is batch sample not continuous.
- What are you are looking for?
- DEP - What are the contaminants?
- CON - Getting absolute average sample very difficult.
- DEP - Contaminant description! Mass balance,
- CON - MCLA Sample available - we could test as you need
- DEP - What is left behind in the lagoons.

Description of process.

Piping diagram.

~~Description~~ Description of batch sequencing

what is regular.

What is not regular.

Magnitudes.

CON - What goes in & what comes out.

↓ - We can provide quantities & order of magnitude!

DEP - Need discharge identification.

! Furthest upstream sampling point? H 505756

DEP.

Pg 6.

Discharge limits.

- Well point of we intend to put in APT / 4 containment.
- Compliance with "Compliance schedule"

⑤

DSP Permit compliance will be ^{the} end point limits¹¹
— limit shouldn't apply ^{mean} during compliance ^{schedule} period.

See R.
Pg 7.

background levels —
+ SG - Purpose of wells

35 # 3 D # Background wells =

Frequency of sampling

Part III - DSW (12)

GoD \$20,000 per sample round

K.S. — 2nd year abbreviated sample schedule.

End of 1st yr. Co. free to petition for reduction
in sampling.

GoD Sampling / Notification of Lagoon usage
Measure flows / sample impractical.

#505756

Special
Conditions
#15

Short term infrequent

Corner of sewer line {integrate
clean.

MCHA FLOW CHART

LEVEL RATE OF
FLOW!!

⑥

For Eugene - ① to know report - Henry's opinion
② Meeting
③ Schedule.

Richard
Willems
(609) 292-0407
Industrial
Waste
Sulfur Dioxide
Sulfur Dioxide

Administrative Consent Order
& permit modification

H 505757